1949 Kegal File No. Apt Bij Deptt. 49

C BRANCH

Examined

Subject:— Appointment and leave of D.G.P, P.P and their Assistants from Bijapur District-

P-11=E

Apt Bijapur / 1949

File No.

675-C

Gen. 154—3000—1,00,000—849—W.

C O N T E N T S.

Legal Department File No. Apt. Bij. 49

| No. | R.I./O.No. | Subject | Pages. |
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| 1. | 11956<br>26-10-49. | Appointment of 2nd Assistant to the P.P. Bijapur. | 1-7. |
| 2 | 341<br>9-1-50. | Refusal to Create a post of 2nd. Asst. to P.P. Bijapur. | 9-26 |

No. 073 of 1949.
Date:- 1-9-1949.

To

The District Magistrate, Bijapur.

Subject:- Appointment of 2nd Assistant to the Public Prosecutor, Bijapur.

Sir,

On account of the merger of certain states the Sessions Cases have increased. The Courts of the Sessions Judge and Assistant Judge are taking up Sessions Cases every week. So the Public Prosecutor and Assistant Public Prosecutor are engaged in these courts.

The Public Prosecutor has been asked by the District Magistrate and the Sessions Judge to appear in criminal cases in the Mofussil/Criminal Courts. Some times the cases are adjourned as the Public Prosecutor cannot attend to them.

Some-times the 1st Assistant will be unable to attend to the Criminal work on account of his private engagments. Sometime Either the Public Prosecutor or his 1st Assistant will be unable to attend on account of illness. So it is likely that the courts may be inconvenienced.

Government had appointed the 2nd Assistant Public Prosecutor in the previous ~~years~~ biennium.

So I request you to move the Government to appoint a Second Assistant Public Prosecutor to feclitate the work in the Courts. An urgent report to Government may be made in this connection.

Yours faithfully

K R Rao

Public Prosecutor,&
District Govt. Pleader, Bijapur.

No MAG-GR-242
Bijapur 5/9/49

Report 7/9. Forwd to the District Judge, Bijapur for very early remarks.

No. 5335
District Court, Bijapur.
9-10-1949.

Returned with compliments.

2. It is not possible for the Public Prosecutor with one Assistant Public Prosecutor to pull on with the work. Some times the Assistant Public Prosecutor cannot appear for the defence. Some times the Public Prosecutor has to go to the Mofussil to conduct some cases on behalf of the prosecution. The number of Sessions Cases has been increased very much and both the Sessions Courts are fully occupied with the trial of Sessions Cases. It is necessary that the Sessions Cases should not be held up for want of a Prosecutor. Government may, therefore, be moved early for appointment of a Second Assistant Public Prosecutor.

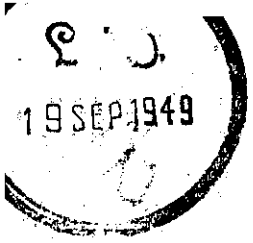
District Judge.

3

Endorsement on the recommendation from the District Judge Bijapur under No.5559/9-10-1949 regarding appointment of 2nd Public Prosecutor.

= ====

No. P.O.C. 924
Bijapur 16-9-1949.




Submitted to the Secretary Legal Department Bombay.

2. I agree with the District Judge that the appointment of a second Assistant Public Prosecutm is quite necessary. Government may therefore kindl be moved to create the post for a period of three years in the first instance.

District Magistrate Bijapur.

submitted.

For the reasons stated in his letter at page 1 ante the P.P. Bijapur requests the Dist Judge and the Dist.Magistrate to move Government to appoint a Second Asstt Public Prosecutor to facilitate the work in the Courts. The Dist Judge states that it is not possible for the P.P. with one Assistant P.P. to pull on with the work.Sometimes the A.P.P cannot appear for the defence.Sometimes the P.P. has to go to the Mofussil to conduct some cases on behalf of the prosecution. The number of sessions cases has been increased very much and both the Sessions Courts are fully occupied with the trial of sessions cases. As the sessions cases should not be held up for want of a prosecutor the D.J. requests that Govt. may be moved to appoint a Second Asstt Public Prosecutor. The Dist Magistrate agrees that the appointment of a second Asst P.P. is quite necessary and requests Govt to create the post for a period of three years in the first instance.

2. The Bijapur Dist had the post of the Second Asstt Public Prosecutor till 1941. At the time of filling in the said post in 1941 the local officers were requested to consider whether there is sufficient work to justify the continuance of the said post and if so, to submit the necessary proposals. vide L.D.letter No.152-P-Confl, dated the 13th August 1941 to D.M. Bijapur.It appears that the said post was not filled in as the local officers did not submit any proposals in the matter. Since 1941 therefore there is only one Asstt P.P. at Bijapur. The proposal of the local officers for creation of a Second Asstt P.P's post for a period of three years in the first instance is therefore

for consideration.

26/9

S.S. 28/9

Secy. The allocation of the Local Officers may be drawn to the Circular Sheet we propose to issue (after it is approved by HM) and they may be invited to give the figures for the last 3 years and the present figure; ~~also to show~~

In the meantime we could find out how much building has been added to Bijapur District from the merged area

29/9

Submitted. p 9 Post

The Circular letter referred to by the Secy having been issued, necessary letter to the Dist Magistrate Bijapur is put up for approval.

With regard to 'B' of Secy's note it is pointed out that Ramdurg and Jamkhindi States have been added to Bijapur dist.

14/X 18/10 A.S. (P) 20/10

S.S. Secy. Secretary. 20/10

7

No. 11956
Legal Department,
Bombay Castle, October 1949.
26th

To

The District Magistrate,
Bijapur.

Subject:- Appointment of 2nd Assistant to the Public Prosecutor, Bijapur.

Sir,

I am directed to invite your attention to this Department Circular letter No. 11169, dated the 6th Octob 1949 (copy appended for ready reference) and to request you to forward to this Department information in respect of the number of cases (Civil as well as Criminal) assigned to the District Government Pleader and Public Prosecutor and the Assistant Public Prosecutor, Bijapur during the last three years together with the number of cases assigned to them during the current year so as to enable this Department to consider the question of appointment of a 2nd Assistant Public Prosecutor at Bijapur.

2. I am to request you to forward your reply through the District Judge, Bijapur.

Yours faithfully,

DAP 26/10

OC

For Secretary to Government.

Submitted for signature.

P.H.R. PGS 25/X/49

Issued CMP 26/10

26/X

S.S. 26/10

A.S. (Mr. P.)

No. POL. 904.
Bijapur 23-11-1949

The Secretary to Government.,
Legal Department.,Bombay.
Bombay.

Subject:- Appointment of 2nd Assistant to the Public Prosecutor,Bijapur.

Reference:- Govt. Legal Department No.11956 of 26-10-1949.

A statement showing the required information is enclosed.

For Dist.Magistrate Bijapur.

Through the District Judge,Bijapur w.cs.

2. A copy of Government Legal Department letter No. 11956 of 26-10-1949 is enclosed for information.

P.

P.T.O.

No. 7565 of 1949;
District Court, Bijapur,
Dated:26th November '49.

Forwarded with compliments to the Secretary to Governme Legal Department.

2. At present there are 18 Sessions Cases pending in the Sessions Court. It appears that there are some criminal cases pending in the mofussil andtthe Public Prosecutor may be required tgo there to conduct them. In an emergency when the Assistant Public Prosecutor is engaged for the defence or whenever he is unable to attend due to illness or other causes, great inconvenience arises as two Sessions Courts are functioning at present here. It is, therefore, necessary to have a second Assistant Public Prosecutor. An early appointment of a Second Assistant Public Prosecutor may be made.

DISTRICT JUDGE, BIJAPUR.

Statement showing the number of cases ( Civil and Criminal assigned to the District Government Pleader and Public Prosecutor and the Assistant Public Prosecutor, Bijapur during the last three years and also during the current year as per R.L.A's No. 11956 of 26-10-1949.

| | Civil suits. | Civil appeals. | Civil Misc. applications. | Darkhasts. | Sessions cases. | Cri.Appeals. | Cri.Rev. applications. | Cri.Miscellaneo application |
|---|---|---|---|---|---|---|---|---|
| | | | | For 1946. | | | | |
| 1. District Govt. Pleader and Public Prosecutor. | 6 | 4 | 23 | 17 | 46 | 43 | 19 | 20 |
| 2. Assistant Public Prosecutor. | - | - | - | - | 2 | 7 | 1 | 1 |
| 3. Special Public Prosecutor. | - | - | - | - | - | - | - | - |
| Total. | 6 | 4 | 23 | 17 | ✓48 | ✓50 | 20 | 21 |
| | | | | For 1947. | | | | |
| 1. District Govt. Pleader and Public Prosecutor. | 3 | 1 | 19 | 13 | 37 | 37 | 5 | 32 |
| 2. Assistant Public Prosecutor. | - | - | - | - | 2 | 8 | 4 | 1 |
| 3. Special Public Prosecutor. | - | - | - | - | 17 | 3 | 1 | - |
| Total. | 3 | 1 | 19 | 13 | ✓56 | ✓48 | 10 | 33 |
| | | | | For 1948. | | | | |
| 1. District Govt. Pleader and Public Prosecutor. | 5 | - | 8 | 7 | 31 | 73 | 20 | 21 |
| 2. Assistant Public Prosecutor | - | - | - | - | 16 | 18 | 2 | 5 |
| | 5 | - | 8 | 7 | [illegible] | 91 ✓ | 22 | 26 |

For 1949:

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 1. District Govt. Pleader and Public Prosecutor. | 10 | 4 | 10 | 5 | 31 | 70 | 14 | 19 |
| 2. Assistant Public Prosecutor. | - | - | - | - | 16 | 34 | 6 | 2 |
| 3. Special Public Prosecutor. | - | - | - | - | 4 | - | - | - |
| Total. | 10 | 4 | 10 | 5 | 51 | 104 | 20 | 21 |

Submitted

Please see this Deputy letter No. 11956, & the 26th Oct 1949 at p. 7 ante.

2. The D.M. has now forwarded the necessary information pl. see statement at p. 11 ante.

3. While forwarding the statement the D.J. states that at present there are 18 Sessions cases pending in the Sessions Ct. in addition there are some Criminal cases pending in the Mofussil and the P.P. may be required to go there to Conduct them. The D.J further states that in an emergency when the A.P.P is engaged for the defence or whenever he is unable to attend due to other Courts great inconvenien

arises as two Sessions Courts are functioning. He requests therefore for appointment of a 2nd A.P.P.

9/12

S.S. 5/12

Secy. What is the comparative position? Have we allowed a second Assistant to other districts with similar volume of work?

6/1/12

Submitted with reference to Secy's above note.

At present the following districts have been allowed a Second Assistant Public Prosecutor -

1) Ahmedabad
2) Kolaba
3) Thana
4) Nasik
5) Poona
6) Sholapur
7) Satara
8) Belgaum and
9) Dharwar.

For Ahmedabad, Belgaum and Poona there are three Assistant Public Prosecutors. The Posts of Second Assistants at Ahmedabad, Kolaba, Thana, Poona, Sholapur, Belgaum and Dharwar are in existanance

since long. The posts at Satara and Nasik have been created in 1944. The Local Officers of Satara did not furnish any statistical information in respect of increase of work at the time of making a proposal for a Second A.P.P. The local officers of Nasik however supplied the necessary information from 1939 to April 1944 as shown below -

| Year | Sessions Cases | | Cri. Appeals | Criminal Applications |
|---|---|---|---|---|
| | Carried over from previous year | committed during the year. | Total | |
| 1939 | 2 | 32 | 34 | 100 | 44 |
| 1940 | 2 | 37 | 39 | 97 | 44 |
| 1941 | 7 | 46 | 53 | 75 | 44 |
| 1942 | 6 | 52 | 58 | 98 | 44 |
| 1943 | 21 | 65 | 86 | 162 | 52 |
| 1944 upto April) | 22 | 32. | 54 | 71 | 18 |

It was expected by local officers that the number of Sessions Cases for the 1944 would reach 100 and that there would be a similar heavy rise in other Criminal work of the Sessions Court.

14/XII

The post of second Addl. PPs. in the S.S. Dns of Ahmedabad Kolaba, Thana, Poona Sholapur, Belgaum & Dharwar have been in existence for a long time & no information on the point is available on the records.

Only in the case of Nasik Dist when the post of addl. A.P.P. was proposed to be created the requisite information was supplied by the D.M.

31/12

Seen. The matter came up for discussion with D.S (Cts) & R

Submitted to the O.S. as
per temp orders overleaf.

3/1

S.S. 3/1/50.

O.S. The figures of the last ~~three~~ years show that though there has been a little rise in the number of criminal ~~appeal~~ appeals (in 1947 the figure was 48, in 1948 it was 91 and in 1949 it was 104) the ~~the~~ number of Sessions cases ~~in has~~ does not show any increase. ~~in 1946~~ In 1947 the number was 56 in 1948 it was 47 and in 1949 it was 51. There would be no proper justification for appointing a second Asstt. P.P. at Bijapur. If only permission to the present Asstt. P.P. is sparingly granted to appear for the defence, ~~in the case~~ there would be no inconvenience to the work. It appears that the present Asstt P.P. ~~assisted~~ is permitted to appear for the defence in quite a number of cases, which can be now avoided.

L-Q. 4-1-50

Very.

17

HC may write to me
that having regard
to the volume of work
in the Districts and also
in Bijapur Division for
the last three years, no
case has been made
out for an additional
Assistant

4/

No. 341 /49

Legal Department,
Bombay Castle, (Bom.No.1), January 9th 1950.

To

The District Magistrate,
BIJAPUR.

Subject: Appointment of 2nd Assistant to the Public Prosecutor, Bijapur.

Sir,

With reference to the correspondence ending with your letter No.POL 904, dated the 23rd November 1949, on the above subject, I am directed to state that your proposal in respect of the creation of a second Assistant Public Prosecutor's post in Bijapur was considered in the light of the statistical information supplied by you for the last three years and also of the volume of work in other districts; and that Government feel that no case has been made out for an additional assistant.

Yours faithfully,

OC 7/1

Secretary to Government.

Copy to :

The District Judge, Bijapur with reference to his endorsement No. 7565, dated the 26th November 1949.

Submitted for signature

KVK 6/1/50 PGS 6/1

Issued OC 9/1

7/1

S.S 7/1

D.S.(G) 7.1

Copy